

REMARKS

Claims 1, 3- 10, 12, 13 and 15-24 are in the application. Claim 2 has been cancelled. Claims 20 - 24 have been added. Claims 1, 9, and 10 have been amended. Claims 12, 13 and 15 have been held withdrawn by the Examiner as being drawn to non-elected subject matter. Claim 15 has been amended to keep it consistent with examined claim 1. Applicants reserve their right to file divisional or continuation applications on all cancelled or deleted subject matter.

The Examiner has restricted the claims in the application into 6 Groups as shown below on the basis of 35 USC §121 and §372:

Group I, Claims 1-10, 12, 16-20 drawn to compounds and compositions having a pyrazolo pyridine core, where A is pyrazole and Z1 is N or N=O and Z2 is CH, or Z1 is CH and Z2 is N or N=O. If this group is elected, a further election of a single disclosed species of compound is also required. In addition further election of an intended use "a condition or disease state mediated by p38 kinase activity or mediated by cytokines produced by the activity of p38 kinase" is required.

Group II, Claims 1-8, 10, 12, 16-20 drawn to compounds and compositions having cores other than pyrazolo pyridine. If this group is elected, a further election of a single disclosed species of compound is also required. In addition further election of an intended use "a condition or disease state mediated by p38 kinase activity or mediated by cytokines produced by the activity of p38 kinase" is required. Further restriction may be required.

Group III, Claim 15 drawn to a process of preparing compounds of Group I. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

Group IV, Claim 15 drawn to a process of preparing compounds of Group II. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

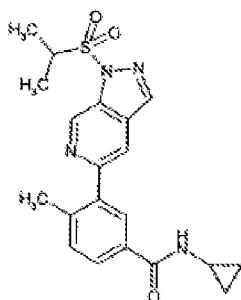
Group V, Claim 13 drawn to methods of treating or preventing some type of condition or disease state with the compounds of Group I. If this group is elected, a further election single disclosed species of compound is also required. Further restriction based on the election may be made. In addition a further election "a condition or disease state mediated by p38 kinase activity or mediated by cytokines produced by the activity of p38 kinase" is required.

Group VI, Claim 13 drawn to methods of treating or preventing some type of a condition or disease state with the compounds of Group II. If this group is elected, a further election single disclosed species of compound is also required. Further restriction based on the election may be made. In addition a further election "a condition or disease state mediated by p38 kinase activity or mediated by cytokines produced by the activity of p38 kinase" is required.

Applicants elect Group I with traverse. Even under PCT guidelines the process of making and a use are included within the unity of invention for compounds of a particular structure. Group III should be examined with Group I at the minimum.

Applicants elect the compound of Example 1 as a species being required by the Examiner.

Example 1: N-Cyclopropyl-4-methyl-3-(1-[(1-methylethyl)sulfonyl]-1*H*-pyrazolo[3,4-c]pyridin-5-yl)benzamide



Example 1 therefore corresponds to the A ring being a fused pyrazolyl ring and wherein one of the Z1 or Z2 groups is nitrogen.

All of the claims pending in the application are believed to read on the elected invention.

CONCLUSION

It is believed that all the claims in the application are now in condition for examination on the merits. Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned at the number below. If any additional fees or charges are required by this paper the Commissioner is hereby authorized to charge Deposit account 19-2570 accordingly.

Respectfully submitted,

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